IN THE HIGH COURT OF JUDICATURE AT BOMBAY
IN INSOLVENCY
NOTICE OF MOTION NO.200 OF 2006
IN
NOTICE NO.N/68 OF 2006

Re.Pravin J.Modi & Ors.
... Judgment Debtors

Ex-parte :-
The Kapol Co-operative Bank Ltd. ...Petitioning Creditor

WITH
NOTICE OF MOTION NO.203 OF 2006
IN
NOTICE NO.N/68 OF 2006

Re.Pravin J.Modi & Ors.
... Judgment Debtors

Ex-parte :-
The Kapol Co-operative Bank Ltd. ...Petitioning Creditor

WITH
NOTICE OF MOTION NO.204 OF 2006
IN
NOTICE NO.N/68 OF 2006

Re.Pravin J.Modi & Ors.
... Judgment Debtors

Ex-parte :-
The Kapol Co-operative Bank Ltd. ...Petitioning Creditor

WITH
NOTICE OF MOTION NO.199 OF 2006
IN
NOTICE NO.N/67 OF 2006

Re.Pravin J.Modi & Ors.
... Judgment Debtors

Ex-parte :-
The Kapol Co-operative Bank Ltd. ...Petitioning Creditor

WITH
NOTICE OF MOTION NO.201 OF 2006
IN
NOTICE NO.N/67 OF 2006

Re.Pravin J.Modi & Ors.
... Judgment Debtors

Ex-parte :-
The Kapol Co-operative Bank Ltd. ...Petitioning Creditor

WITH
NOTICE OF MOTION NO.202 OF 2006
IN
NOTICE NO.N/67 OF 2006

Re.Pravin J.Modi & Ors.
... Judgment Debtors

Ex-parte :-
The Kapol Co-operative Bank Ltd. ...Petitioning Creditor

Mr. Nikunj Kadam for Judgment Debtors
Dr.D.R.Talankar i/b Mr.U.J.Borade for Petitioning Creditor

CORAM: A.S.OKA,J.
DATE : SEPTEMBER 18,2007

P.C.:

1. This notice of motion is taken out by the Judgment Debtors for setting aside the insolvency notice under sub section 2 of section 9 of the Presidency Town Insolvency Act,1909.

2. Perusal of the record shows that the insolvency notice has been issued on the basis of a recovery certificate issued under section 101 of the Maharashtra Co-operataive Societies Act,1960. In view of the decision of this court dated 4th September 2007 in the Notice of Motion No.40 of 2007 (Re.Kishore K. Mehta) and other connected matters, the insolvency notice under the said Act of 1909 is not maintainable on the basis of the recovery certificate issued under section 101 of the said Act of 1960. Only on this ground, Notice of Motion must succeed and accordingly insolvency notice is set aside as prayed.

JUDGE